

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONICA L. HARRIS

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendants.

Case No. C 07-4626 JL

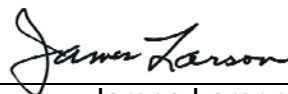
ORDER

Plaintiff filed her motion to proceed in forma pauperis ("IFP") as provided by 28 U.S.C. §1915. Before a court may grant leave for a plaintiff to file a complaint without paying the \$350 filing fee, the threshold requirement is that the plaintiff be indigent. Plaintiff is presently employed at a monthly income of \$3,575.00. This Court finds that she fails to satisfy the indigence requirement and it would deny the application.

A magistrate judge does not have authority to deny an IFP application without consent of the plaintiff. *Tripati v. Rison*, 847 F.2d 548 (9th Cir. 1988). Accordingly, this Court refers this case for reassignment to an Article III judge.

IT IS SO ORDERED.

DATED: October 29, 2007



James Larson
Chief Magistrate Judge